

John Dee Spicer
State Bar No. 18930500
Leah Duncan
State Bar No. 24114061
CAVAZOS HENDRICKS POIROT, P.C.
Suite 570, Founders Square
900 Jackson Street
Dallas, TX 75202
Phone: (214) 573-7310
Fax: (214) 573-7399
Email: lbundage@chfirm.com

Attorneys for John Dee Spicer, Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In Re:	§	
	§	
ROBERT JORDAN CONSTRUCTION, LLC	§	Case No. 22-41804-elm7
	§	
Debtor.	§	Hearing Date: October 24, 2022
	§	Hearing Time: 9:30 A.M.
	§	

TRUSTEE'S MOTION TO ASSUME UNEXPIRED LEASES

NOTICE TO ALL INTERESTED PARTIES:

A HEARING ON THE ABOVE REFERENCED MOTION IS SCHEDULED TO BE HELD BEFORE THE HONORABLE BANKRUPTCY JUDGE EDWARD L. MORRIS AT ROOM 204, U.S. COURTHOUSE, 501 W. TENTH STREET, FORT WORTH, TEXAS 76102 ON **OCTOBER 24, 2022, AT 9:30 A.M.** WHICH IS AT LEAST TWENTY-ONE (21) DAYS OR MORE FROM THE DATE OF SERVICE HEREOF.

ANY OBJECTION OR RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 501 W. TENTH STREET, FORT WORTH, TX 76102, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY ON OR BEFORE **OCTOBER 18, 2022**, WHICH DATE IS AT LEAST TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF. IF AN OBJECTION OR RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING/RESPONDING PARTY.

IF NO OBJECTION OR RESPONSE IS TIMELY FILED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE EDWARD L. MORRIS, U.S. BANKRUPTCY JUDGE:

John Dee Spicer, Chapter 7 Trustee (“Trustee”) in this bankruptcy case, moves the Court pursuant to 11. U.S.C. § 365 and Fed. Bank. Rule 6006 for approval to assume two unexpired leases described below, and would respectfully show the Court as follows:

1. The Court has jurisdiction to hear this Motion pursuant to 28 U.S.C. §§ 1334 and 157. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Authority to grant the relief requested is provided by 11 U.S.C. § 365. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. On August 9, 2022, Robert Jordan Construction, LLC (the “Debtor”) filed its voluntary petition under Chapter 7 of the Bankruptcy Code. Subsequently, John Dee Spicer was appointed as Chapter 7 Trustee.

3. The Debtor filed its Schedules on August 23, 2022 [Docket No. 16] (the “Schedules”).

4. The Schedules reflect two unexpired leases between the Debtor and Ally Financial¹ as follows:

- a) Schedule G.2.4; Lease on 2017 GMC 2500 HD Utility; 9 months; Ally Financial, P.O. Box 653074, Dallas, TX 75265 (the “Leased 2017 GMC”); and
- b) Schedule G.2.5; Lease on 2018 GMC 1500; 9 months; Ally Financial, P.O. Box 653074, Dallas, TX 75265 (the “Leased 2018 GMC”) (together, the Leased 2017 GMC and the Leased 2018 GMC are referred to as the “Leased Vehicles”).

¹ Ally Bank (as opposed to Ally Financial) is the holder of the leases.

5. Such Leased Vehicles are property of this bankruptcy estate (the “Estate”), with said leases (the “Leases”) on the Leased Vehicles including an option to purchase pursuant to a lease payoff (the “Lease Payoffs”).

6. The Trustee desires to sell the Leased Vehicles and retire the debt associated with the Lease Payoffs; in this regard, the estimated value of the Leased Vehicles is believed to exceed the Lease Payoffs.

7. Contemporaneously with this Motion, the Trustee is filing his Trustee’s Motion to Sell Property of the Estate (the “Motion to Sell”), in part, to sell the Estate’s interest in the Leased Vehicles.

8. Pursuant to Section 365 of the Bankruptcy Code, the Trustee seeks authority to assume the Leases, to sell the Leased Vehicles at auction pursuant to an order on the Motion to Sell, and to use a portion of the sales proceeds to retire the debt associated with the Lease Payoffs.

9. In the Trustee’s business judgment, assumption of the Leases is in the best interest of the estate.

10. The Trustee intends to retire the debt associated with the Lease Payoffs within 5 business days following the close of an online auction and receipt of the sales proceeds generated from the sale of the Leased Vehicles.

WHEREFORE, John Dee Spicer, Chapter 7 Trustee prays that this Court enter an order allowing the Trustee to assume the Leases in accordance with this Motion, and granting such further and additional relief as is appropriate.

Respectfully submitted,

/s/ Leah Duncan
John Dee Spicer
State Bar No. 18930500
Leah Duncan
State Bar No. 24114061
CAVAZOS HENDRICKS POIROT, P.C.
Suite 570, Founders Square
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Dallas, TX 75202
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CERTIFICATE OF SERVICE

A separate Certificate of Service contemporaneously will be filed with this Motion.

CERTIFICATE OF CONFERENCE

I hereby certify that on September 27, 2022, I conferred with in-house counsel for Ally Bank, Angela Rapp-Williams, and she informed me that Ally is not opposed to the relief requested in this Motion.

/s/ Leah Duncan
Leah Duncan